

REMARKS/ARGUMENTS

Claims 1-6, 8, 11-20, 22-25, 27-30 and 32-36 remain in the application. Claims 7, 9, 10, 21, 26 and 31 have been cancelled.

Replacement drawing sheets are enclosed herewith in which the reference numeral identifying the right hand angled end portion of the intermediate portion 24 of the side wall 6 of the base member has been changed from 24 to 22 in Figs. 1, 3 and 5 to conform to the specification.

The allowance of claims 18-20 subject to being rewritten in independent form including all of the limitations of the base claim and any intervening claims is noted with appreciation.

Claims 1-3, 5, 6, 15, 22-25, 27 and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mariol et al (U.S. Patent 4,596,489). Admittedly the base member 10 of Mariol has a greater length than width and spaced apart bottom and top walls and opposite side walls 55. However, as can clearly be seen in Fig. 1 of Mariol, both side walls 55 have the same identical shape including intermediate lengths of a desired spacing therebetween and end lengths having a closer spacing therebetween than the intermediate lengths. In no event is one of the side walls substantially straight and in substantially the same plane throughout its length and height and the other side wall having an intermediate length that is spaced further from the plane of the one side wall than end lengths of the other side wall to provide the base member with a wider intermediate width than end widths as recited in claim 1. Moreover, the so-called mounting hole 50 of Mariol does not have a width that extends widthwise inwardly and outwardly of the end lengths of just the other side wall and is less than the intermediate

width of the base member as further recited in claim 1. Also the specification has been amended where appropriate to provide clear antecedent basis for this claim language, which is clearly supported by the original drawings and specification. Accordingly, claim 1 is submitted as clearly allowable.

Claims 2, 3, 5, 6, 15 and 22 depend from claim 1 and are submitted as allowable for substantially the same reasons. Moreover, claims 2 and 3 further patentably distinguish over Mariol by reciting, *inter alia*, that the mounting hole has a center that extends in a direction substantially perpendicular to an intermediate length of the top wall and is substantially in the same plane as the end lengths of the other side wall which is substantially perpendicular to the intermediate length of the top wall. Here again, the specification has been amended where appropriate to provide clear antecedent basis for this claim language, which is clearly supported by the original drawings and description. Also this is clearly different from what the Examiner refers to as a horizontal plane that passes through the mounting hole center and through all the end lengths of Mariol. Moreover, the outwardly angled end portions of the side walls of Mariol are remote from the mounting hole rather than adjacent opposite sides thereof to resist flexing of the wall of the mounting hole as further recited in claim 3.

Claims 5 and 6 further patentably distinguish over Mariol by reciting that the mounting hole is substantially square shaped with four sides and has a plurality of laterally spaced longitudinally extending ribs on all four sides of the mounting hole that are transversely rounded for establishing line contact with a similarly shaped end portion of the elongated member when inserted into the mounting hole. In Mariol the ribs 60 are only provided on two sides of the so-called mounting hole. Also the ribs of

Mariol are not transversely rounded for establishing line contact with a similarly square shaped end portion of the elongated member when inserted into the mounting hole as claimed.

Moreover, it is not seen wherein one of the top and bottom walls of the base member of Mariol has a plurality of axially spaced apart stacking ribs and the other of the top and bottom walls has corresponding recesses for receipt of the stacking ribs of other such base supports to maintain a plurality of the base supports in stacked relation when stacked one on top of another as further recited in claim 15.

Claim 23 recites that the base member has one side wall that is substantially straight throughout its length and height and an other side wall that is substantially straight and parallel to the one side wall except intermediate the length of the other side wall which extends laterally outwardly to provide the base member with an intermediate width at least twice as wide as the end widths, and a substantially square mounting hole extending through the intermediate width of the base member for receipt of a similarly shaped end portion of the elongated member, which is clearly not disclosed or suggested in Mariol. Moreover, the specification has been amended to provide clear antecedent basis for this claim language, which is clearly supported by the original drawings and description. Accordingly, claim 23 is also submitted as clearly allowable.

Claims 24, 25, 27 and 28 depend from claim 23 and further patentably distinguish over Mariol, claim 24 by reciting that the mounting hole has a center that is substantially in the same plane as end lengths of the other side wall that is substantially perpendicular to an intermediate length of the top wall; claim 25 by reciting that the other side wall has an intermediate length with outwardly angled end portions adjacent

opposite sides of the mounting hole to resist flexing of the wall of the mounting hole; and claims 27 and 28 by reciting that the mounting hole has a plurality of laterally spaced longitudinally extending ribs on all four sides that are transversely rounded for establishing line contact with a similarly square shaped end portion of the elongated member when inserted into the mounting hole.

Claims 4, 29 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mariol et al in view of Stalzer (U.S. Patent 4,275,535). According to the Examiner, it would have been obvious from the teachings of Stalzer to have had the hole of Mariol et al extend completely through the base member as taught by Stalzer in order to be able to extend the elongated support into the ground. However, claim 4 depends from claim 1 and is submitted as allowable for substantially the same reasons. Moreover, claims 29 and 30 clearly patentably distinguish over these references by reciting, *inter alia*, that the mounting hole is substantially square and has a plurality of laterally spaced longitudinally extending ribs on all four sides of the mounting hole that are transversely rounded for establishing line contact with a similarly square shaped end portion of an elongated member when inserted into the mounting hole.

Claims 8, 35 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mariol et al in view of Stagl et al (U.S. Patent 5,356,108). The Examiner admits that Mariol et al does not teach a base member that is substantially hollow and has a fill hole adjacent one end, but contends that it would have been obvious to do so in order to weight the base as taught by Stagl et al so it will not tip over. However, claim 8 depends from claim 1 and is submitted as allowable for substantially the same reasons. Moreover, it is respectfully submitted there is

absolutely no disclosure or suggestion in either of these references of providing the fill hole in one of the angled surfaces of the top wall adjacent one end of the hollow base member for ease of filling the base member with a flowable ballast material when stood up on the other end as recited in claim 8. Accordingly, claim 8 is submitted as allowable in its own right in addition to being dependent on claim 1.

Claims 35 and 36 also clearly patentably distinguish over these references by reciting that one of the side walls of the base member is substantially straight throughout its length and height, and the other of the side walls has an intermediate length that is spaced further from the plane of the one side wall than end lengths of the other side wall to provide the base member with a wider intermediate width than end widths. Moreover, claim 35 further patentably distinguishes over these references by reciting a fill hole in one of the angled surfaces of the top wall adjacent one end of the hollow base member for ease of filling the base member with a flowable ballast material when stood up on the other end. Also, claim 36 further patentably distinguishes over the cited references by reciting a carrying handle attached to the other side wall of the base member, the carrying handle extending axially from the exterior of one end portion of the intermediate length of the other side wall along an exterior portion of one of the end lengths of the other side wall substantially as recited in allowable claim 18.

Claims 11, 14, 33 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mariol et al in view of Stagl et al and further in view of Kulp et al (U.S. Patent 6,659,681). However, claims 11 and 14 depend from claim 8 and claims 33 and 34 depend from claim 29 and are submitted as allowable for substantially the same reasons. Moreover, these claims further patentably distinguish over the cited

references by reciting, *inter alia*, annular anti-skid pads having a diameter greater than the width of the end portions of the base member attached to the bottom wall at the end portions. Also claim 34 additionally recites that the bottom wall of the base member has arcuate recesses at the end portions in which arcuate portions of the anti-skid pads are received to aid in locating the anti-skid pads on the bottom wall at the end portions. For these claim features, the Examiner relies on Kulp et al, contending that it would have been obvious to have added anti-skid pads to the base members of Mariol et al and Stagl et al as taught by Kulp et al in order to keep the device from moving unintentionally. However, the anti-skid pads 386 of Kulp et al are four raised pads molded into the extreme corners of the base as shown in Fig. 8, not annular anti-skid pads having a diameter greater than the width of the end portions of the base member attached to the bottom wall at the end portions as recited in these claims. Nor does the bottom wall of the base member of Kulp et al have arcuate recesses at the end portions in which arcuate portions of the anti-skid pads are received to aid in locating the anti-skid pads on the bottom wall at the end portions as further recited in claim 34.

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mariol et al in view of Stagl et al and Kulp et al and further in view of Pinsky (U.S. Patent Publication No. 2004/0025899). However, claim 12 depends from claim 11 and is submitted as allowable for substantially the same reasons. Moreover, claim 12 further patentably distinguishes over the cited references by reciting that the bottom wall has arcuate recesses at the end portions in which arcuate portions of annular anti-skid pads are received to aid in locating the anti-skid pads on the bottom wall. For this feature, the Examiner relies on Pinsky, contending that it shows a base which has anti-skid pads

309 which are located in recesses (see Fig. 5) in order to be able to easily locate the pads during mounting. However, the anti-skid pads 309 of Pinsky are rubber feet that are received in flanged openings extending below the bottom wall of the apparatus; not arcuate recesses in the bottom wall of a base member at the end portions in which arcuate portions of the anti-skid pads are received as recited in claim 12.

Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mariol et al in view of Stagl et al and Kulp et al and further in view of Beck (U.S. Patent 5,467,977). According to the Examiner, it would have been obvious to have stapled the anti-skid pads of Kulp et al to the ends of the wall portions of Mariol et al as taught by Beck in order to firmly adhere the pads to the desired device. However, Beck shows anti-slip material 16 affixed to the mound 1 by folding its edges upwardly along the peripherally extending wood strips 10 and 12 and stapling the edges to the wood strips as shown in Fig. 6 (column 3, lines 60-64), not attaching annular anti-skid pads having a diameter greater than the width of the end portions to the bottom wall at the end portions by staples as recited in claim 13. Accordingly, claim 13 is submitted as allowable in its own right in addition to being dependent on claim 11.

Claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mariol et al in view of Matherne et al (U.S. Patent 5,377,976). According to the Examiner, it would have been obvious from the teachings of Matherne et al to have added an exterior handle to the base member of Mariol et al in order to help in moving the base member. However, these claims depend from claim 1 and are submitted as allowable for substantially the same reasons.


Claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mariol et al in view of Stalzer and further in view of Stagl et al. According to the Examiner, it would have been obvious from the teachings of Stagl et al to have made the device of Mariol et al and Stalzer hollow with a fill hole in order to weight the base, so that it will not tip over. However, neither Stagl et al nor any of the other cited references discloses or suggests providing the fill hole in one of the angled surfaces of the top wall adjacent one end for ease of filling of the base member with a flowable ballast material when stood up on the other end as recited in claim 32. Accordingly, claim 32 is submitted as allowable in its own right in addition to being dependent on claim 29.

For the foregoing reasons, this application is now believed to be in condition for final allowance of all of the pending claims 1-6, 8, 11-20, 22-25, 27-30 and 32-36, and early action to that end is earnestly solicited. Should the Examiner disagree with applicants' attorney in any respect, it is respectfully requested that the Examiner telephone applicants' attorney in an effort to resolve such differences.

In the event an extension of time is necessary, this should be considered a petition for such an extension. If required, fees are enclosed for the extension of time and/or for the presentation of new and/or amended claims. In the event any additional fees are due in connection with the filing of this reply, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (Attorney Docket No. PSSIP0115US).

Respectfully submitted,

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